

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TERRY COUSINS,

Plaintiff,

v.

KITSAP COUNTY and KITSAP  
COUNTY SHERIFF, et al.,

Defendants.

CASE NO. C 08-5764 KLS

ORDER GRANTING  
DEFENDANT'S MOTION TO  
DISMISS NED NEWLIN


Defendant Ned Newlin filed a motion to dismiss him as a named defendant. ECF No. 35. On January 28, 2011 the undersigned issued an order which granted the Defendant's motion, in part, by dismissing Ned Newlin as a defendant in his individual capacity. The Court also requested additional briefing from the Defendant with regard to the propriety of maintaining/dismissing Ned Newlin as a defendant in his official capacity. The Defendant filed his reply as requested. ECF No. 42.

The Court is persuaded by the reasoning contained in the case of *Taylor v. Scottpolar Corporation*, 995 F. Supp. 1072 (D. Ariz., 1998). "Courts have allowed, however, individual

1 defendants to be sued in their official capacity. *See Ortiz*, 88 F.3d at 808-809. However, the  
2 employer alone is liable for any violation of Title VII; thus, claims against the individuals in  
3 their official capacity merge into claims against the employer. *See Gary*, 59 F.3d at 1399 (citing  
4 *Sauers v. Salt Lake County*, 1 F.3d 11212, 1125 (10<sup>th</sup> Cir. 1993).” *Id.* at p. 1079.

5 Therefore, the undersigned concludes that the claim against Ned Newlin in his official  
6 capacity is unnecessarily repetitive of Plaintiff’s claims against her employer. Ned Newlin’s  
7 motion is therefore GRANTED in its entirety. ECF No. 35.

8 Dated this 7<sup>th</sup> day of February, 2011.

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United States Magistrate Judge  
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